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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/032,426 | 12/31/2001 | Michael Dutka | | 5712 |

7590 03/13/2006
David Peter Alan, Esq.
81 Second St.
South Orange, NJ 07079

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| EXAMINER |
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STINSON, FRANKIE L

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| ART UNIT | PAPER NUMBER |
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1746

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/032,426

Applicant(s)

DUTKA ET AL.

Examiner

FRANKIE L. STINSON

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 9-18, 20-23 and 35 is/are rejected.
- 7) ☒ Claim(s) 4-6 and 24-32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 7, 9-10, 23 and 35 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Brandt (U. S. Pat. No. 2,141,162).

Re claims 1 and 35 for example, note that Brandt (see fig. 3) discloses a device for washing or rinsing foodstuffs or *nonfood* items powered by the filling of said device with water or any other liquid used in the process of such washing or rinsing.. comprising: a vessel (3) in which said washing or rinsing takes place; a means for emptying said vessel of liquid after it has washed or rinsed said foodstuffs or nonfood items and allowing refilling of said vessel, such means operating periodically and cyclically without attention from any person during said rinsing or washing operation, and a means for keeping the foodstuffs or nonfood items washed or rinsed inside said vessel during said wishing or rinsing operation and including a stand (1, 12).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt in view of Schlack (U. S. Pat. No. 2,174,729).

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Claims 20-22 define over the applied prior art only in the recitation of the weighted member for restoring the vessel to a horizontal position. Schlack is cited disclosing the arrangement of a weight for returning a vessel to a filing position. It therefore would have been obvious to one having ordinary skill in the art to modify the arrangement of Brandt, to include a weight as taught by Schlack, since this is considered to be a substitution of equivalents (see MPEP 2144.06 SUBSTITUTIN: EQUIVALENTS KNOWN FOR THE SAME PURPOSE).

5. Claims 4-6, 24-32 stand objected to as being dependent upon a rejected

6. Applicant's arguments filed Jan. 18, 2006 have been fully considered but they are not persuasive. In regard to the remarks the device if Brandt isn't capable of washing foodstuff, please note the Applicants also claims the washing of "nonfood items" and the claims fail to present any limitations that would limit the device for washing foodstuffs only.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (571) 272-1308. The examiner can normally be reached on M-F from 5:30 am to 2:00 pm and some Saturdays from approximately 5:30 am to 11:30 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached on (571) 272-1700. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

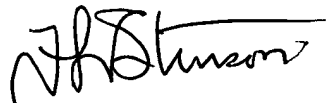
Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "Frankie L. Stinson". The signature is stylized with a large, looped "F" and a long horizontal stroke at the end.

FRANKIE L. STINSON
Primary Examiner
GROUP ART UNIT 1746